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C O N F I D E N T I A L SECTION 01 OF 04 NAIROBI 002660

SIPDIS

DRL FOR MOLLIE DAVIS, LONDON AND PARIS FOR AFRICA WATCHERS

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TAGS: [PGOV](#) [PHUM](#) [MOPS](#) [ASEC](#) [KE](#)
SUBJECT: EL WAK RESIDENTS ACCUSE KENYAN SECURITY FORCES OF
TORTURE

REF: A. NAIROBI 2610
[1](#)B. NAIROBI 2563
[1](#)C. NAIROBI 1328
[1](#)D. NAIROBI 804

Classified By: Ambassador Michael Ranneberger for reasons 1.4 (B and D)

[1](#)1. (C) Summary. 34 residents of El Wak, North Eastern Province, interviewed by Embassy Officers have alleged that Kenyan security forces, primarily police, engaged in human rights abuses as part of an operation in late October to confiscate illegal arms. The pattern of operations -- and allegations of torture -- are similar to that which took place in Mt. Elgon in March and April (refs C and D). We remain concerned about the heavy-handed tactics and allegations of human rights abuses leveled against Kenyan security services in internal operations affecting local populations, in both the cases of Mt. Elgon and now El Wak, and we will continue to push for credible and comprehensive investigations. End Summary.

Background

[1](#)2. (U) Two Poloffs and a Somali-speaking Foreign Service National (FSN) recently visited El Wak, North Eastern Province, November 7-12 to investigate claims that Kenyan security forces had engaged in human rights abuses against residents. The allegations arose as the result of a joint military-police security operation in late October to confiscate illegal arms fueling an ongoing clan conflict in the region (ref A and B). We initially planned to visit each location affected by the security operation. However, logistical problems made it impossible to travel to Mandera town. The kidnapping of two Italian nuns and the theft of three Government of Kenya vehicles in El Wak coincident to the team's arrival on November 9 caused the team to return to Nairobi earlier than planned (ref A). Thus our investigation was limited to the security operation in El Wak.

The Conflict

[1](#)3. (U) El Wak is located in Mandera Central constituency, in North Eastern Province. Mandera Central constituency has experienced sporadic bouts of inter-clan fighting between the numerically dominant Garre sub-clan and the Murulle sub-clan (ref A). Concerned by a worsening of the violence since July which has killed approximately 100 people, local authorities began pressing local chiefs -- who are state employees -- to turn over illegal weapons fueling the conflict. When the

chiefs failed to turn over a sufficient number of weapons, the Ministry for Internal Security and Provincial Administration and the Ministry of Defense planned and executed a joint operation to confiscate illegal weapons in Mandera town, Garri, Wargadud, and El Wak. The operation lasted from October 26 - 29.

Our Visit and Methodology

14. (U) During our visit to El Wak, poloffs interviewed 34 local residents (21 male, 13 female), as well as police and local administration officials. The interviews of local residents were arranged by a local non-governmental organization (NGO) contact. The human rights officer interviewed male residents with assistance from the FSN. Given the culturally sensitive nature of allegations of gender-based violence (GBV) made against security forces, women residents were interviewed in a single-sex environment by the female political officer with translation provided by the female local NGO contact. Each resident was interviewed individually to minimize leakage of details from one person's story to another. In the case of Mt. Elgon, the substantial similarity of uniforms worn by Kenyan Army, Kenya Police Service (KPS), and Administration Police (AP) personnel caused confusion and hampered efforts to identify better alleged perpetrators of human rights abuses (refs C and D). To ease our investigation the human rights officer used a paramilitary unit identification guide prepared by the Kenya-United States Liaison Office and the Defense Attache

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Office to assist interviewees to identify the uniforms worn by those they accused of torture.

What the Men Said

15. (SBU) The men interviewed ranged in age from 24 to 75 years old. They gave consistent stories of being collected by mixed patrols consisting of Army, KPS, and AP personnel in the early morning of October 29 while at home or after departing from morning prayers. They uniformly stated that all adult males from El Wak were taken to the central collection point, including chiefs and local government councillors. One councillor interviewed stated that, when he saw a chief in his civil servant's uniform being marched to the central collection point, he realized his protestations that his status as a councillor should protect him from detention were in vain. Interviewees uniformly claimed that security forces beat them or forced them to walk on their knees as they were brought to the central collection point - a field in the center of town. The men told of being held from the early morning hours until approximately one o'clock in the afternoon on October 29.

16. (SBU) All male interviewees claimed that while at the central collection point security forces demanded that they give up illegal weapons and tortured them. Those who protested that they had no weapons were beaten more forcefully, according to interviewees. Most men claimed that KPS and AP personnel whipped them with electric cables, beat them with sticks, and forced detainees to lie on the ground while security personnel walked over their bodies. When security forces tired of beating them, according to the men, they were forced to lie in the hot sun for extended periods. While most were adamant that KPS and AP personnel took the lead in their torture, four of 21 men interviewed claimed that Army personnel also participated. Using the identification guide provided (para 4), and asked to identify the uniforms of their alleged torturers, most men correctly identified KPS and AP uniforms.

17. (SBU) The detention came to an end, according to

interviewees, after a chief stood up and stated that they would provide the local authorities with guns in return for an end to the beatings. The police then agreed to suspend the security operation for 21 days to allow the chiefs to collect weapons. In the aftermath of the operation, over 300 male residents of El Wak flocked to El Wak hospital to be treated for their wounds, according to local media. Many of those interviewed were admitted for wounds ranging from broken bones to extensive soft tissue wounds. However, the district officer and local police officials allegedly pressured El Wak hospital staff to discharge all patients after the media broadcast images of the hospital being overrun by the injured. Interviewees told poloff that the most seriously wounded were transferred to Wajir Hospital. (Note: The Medical Superintendent of Wajir Hospital confirmed that several patients were transferred from El Wak hospital. They suffered from soft tissue injuries and broken bones. End Note.)

18. (SBU) Several men stated that the Provincial Police Officer (PPO) Stephen Chelimo and the chief of the Provincial Criminal Investigation Department (name unknown) were present at the collection point during the operation. Two men alleged that the PPO directed his officers to continue to abuse those still strong enough to stand on their feet. Most men stated that Kenya Army personnel -- allegedly from the Seventh Kenya Rifles (which receives no USG training or assistance)-- played a limited role once they rounded up the men. According to many interviewees, the army's role at the central collection point was limited to providing a security cordon to prevent escape. However, several insisted that Army personnel had participated in their abuse at the central collection point.

19. (SBU) There were visible wounds each man still bore at the time of our visit; open lacerations on their backs, buttocks, arms and legs consistent with whippings, while several had broken bones. (Note: PolOffs collected photographs of what they witnessed. End Note.) Furthermore, the uniforms identified by interviewees using the paramilitary unit guide were consistent with their stories.

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Many complained of ongoing problems urinating and trouble sleeping at night. The commonly expressed sentiment was of mistrust toward local authorities. One man called the police "a terrorist force." Interviewees were adamant that they had no guns to turn over. However, our NGO contacts in El Wak stated that people are purchasing guns in Somalia to turn into local authorities to avoid future security operations.

Gender-Based Violence

10. (SBU) Women reported that multiple waves of security patrols conducted house-to-house searches to round up adult men and search for weapons. While most searches were completed without incident, women reported that members of the AP, KPS, and Army personnel assaulted them and looted their homes and businesses. It appears that most of these crimes were opportunistic and, in contrast to the torture visited upon El Wak's men, were not part of the operational plan. One woman said that after she was beaten by security forces in her home, subsequent patrols who arrived to conduct a weapons search asked who had beaten her. One patrol remained at her home to protect her until the operation was over. While none of the women interviewed reported being raped, several spoke of attempted rape by members of the AP, KPS, and Army against others and inappropriate touching. (Note: Two alleged rape victims were sent to Nairobi Women's Hospital for treatment before poloff's arrival. End Note.)

11. (SBU) When asked whether they had reported any of these crimes to the police, most women replied that they had not,

as they feared retribution. One woman claimed she did attempt to file a report about the theft by AP personnel of KSH 20,000 (approximately USD255) and her national identification card during the operation, but police "chased her off" and she was unable to file a report. (Note: The same woman reported that Administration Police slapped and kicked her when she protested against her husband being taken away, and that the Administration Police beat her husband on the knees, elbows and buttocks; however, she only wanted to report the theft of her money and national identification card to the police. End Note.)

Local Government Views

¶12. (C) Poloffs spoke with representatives of the local authorities about the security operation. Silas Gatogo, the District Officer and Deputy District Commissioner, told us the security operation had netted 178 weapons. The operation was necessary due to the escalating inter-clan conflict, and local chiefs and councilors had failed to heed warnings that weapons should be turned in. Leonard Amollo, the Provincial Police Operational Commander who was posted to El Wak to oversee the security operation, defended the operation as necessary to bring pressure upon the people. He termed the operation a success, and thought the chiefs had learned that it did not pay to withhold cooperation from local authorities' efforts to interdict illegal arms. However, Ronald Ngotho, the local police commander, was less sanguine about the effects of the operation. Ngotho questioned his ability to re-establish productive working relations with the community after the security operation.

Comment

¶13. (C) The allegations of human rights violations in El Wak are substantially similar to what reportedly took place in the Mt. Elgon region in March and April. However, in contrast to the Mt. Elgon operation, where many residents blamed the military for torture, El Wak residents accused KPS and AP personnel as the main culprits in their torture. We remain concerned about the heavy-handed tactics and allegations of human rights abuses leveled against Kenyan security service in internal operations affecting local populations, in both the cases of Mt. Elgon and now El Wak, and we will continue to push for credible and comprehensive investigations. The Ambassador is in contact with the Minister of Internal Security and Provincial Administration

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and the Minister of Defense on this issue.

¶14. (C) Public condemnation of the operation has been swift, including a call by nominated MP Mohammed Affey for an investigation into the security operation. Unfortunately, despite news reporting and ample evidence to the contrary, government spokesmen have been quick to deny the credibility of the El Wak allegations. Ultimately, while operations such as the one in El Wak may lead to a lull in a local conflict, they also alienate the local community from the government and make it less likely that local authorities will be able to broker a lasting peace between the clans or that local citizens will willingly cooperate with the police on security issues in the future. End Comment.
RANNEBERGER